

107TH CONGRESS  
1ST SESSION

# S. 1633

To amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban open space and contain suburban sprawl, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2001

Ms. COLLINS introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban open space and contain suburban sprawl, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Suburban and Commu-  
5       nity Forestry and Open Space Initiative Act of 2001”.

1 **SEC. 2. SUBURBAN AND COMMUNITY FORESTRY AND OPEN**  
 2 **SPACE INITIATIVE.**

3 The Cooperative Forestry Assistance Act of 1978 is  
 4 amended by inserting after section 7 (16 U.S.C. 2103c)  
 5 the following:

6 **“SEC. 7A. SUBURBAN AND COMMUNITY FORESTRY AND**  
 7 **OPEN SPACE INITIATIVE.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 10 tity’ means a State (including a political subdivision)  
 11 or nonprofit organization that the Secretary deter-  
 12 mines under subsection (c)(1)(A)(ii) is eligible to re-  
 13 ceive a grant under subsection (c)(2).

14 “(2) INDIAN TRIBE.—The term ‘Indian tribe’—

15 “(A) in the case of the State of Alaska,  
 16 means a Native corporation (as defined in sec-  
 17 tion 3 of the Alaska Native Claims Settlement  
 18 Act (43 U.S.C. 1602)); and

19 “(B) in the case of any other State, has  
 20 the meaning given the term in section 4 of the  
 21 Indian Self-Determination and Education As-  
 22 sistance Act (25 U.S.C. 450b).

23 “(3) PRIVATE FOREST LAND.—The term ‘pri-  
 24 vate forest land’ means land that is—

25 “(A)(i) covered by trees; or

1           “(ii) suitable for growing trees, as deter-  
2           mined by the Secretary;

3           “(B) suburban, as determined by the Sec-  
4           retary; and

5           “(C) owned by—

6                   “(i) a private entity; or

7                   “(ii) an Indian tribe.

8           “(4) PROGRAM.—The term ‘program’ means  
9           the Suburban and Community Forestry and Open  
10          Space Initiative established by subsection (b).

11          “(5) SECRETARY.—The term ‘Secretary’ means  
12          the Secretary of Agriculture, acting through the  
13          Chief of the Forest Service.

14          “(b) ESTABLISHMENT.—

15               “(1) IN GENERAL.—There is established within  
16          the Forest Service a program to be known as the  
17          ‘Suburban and Community Forestry and Open  
18          Space Initiative’.

19               “(2) PURPOSE.—The purpose of the program is  
20          to provide assistance to eligible entities to carry out  
21          projects and activities to—

22                   “(A) identify and preserve private forest  
23                  land; and

24                   “(B) contain suburban sprawl.

25          “(c) GRANT PROGRAM.—

1           “(1) IDENTIFICATION OF ELIGIBLE PRIVATE  
2       FOREST LAND.—

3           “(A) IN GENERAL.—The Secretary, in con-  
4       sultation with State foresters or equivalent  
5       State officials and State planning offices, shall  
6       establish criteria for—

7           “(i) the identification, subject to sub-  
8       paragraph (B), of private forest land in  
9       each State that may be preserved under  
10      this section; and

11          “(ii) the identification of eligible enti-  
12      ties.

13          “(B) CONDITIONS FOR ELIGIBLE PRIVATE  
14      FOREST LAND.—Private forest land identified  
15      for preservation under subparagraph (A)(i)  
16      shall be land that is—

17          “(i) located in an area that is af-  
18      fected, or threatened to be affected, by sig-  
19      nificant suburban sprawl, as determined by  
20      the appropriate planning office of the State  
21      in which the private forest land is located;  
22      and

23          “(ii) threatened by present or future  
24      conversion to nonforest use.

25          “(2) GRANTS.—

1 “(A) PROJECTS AND ACTIVITIES.—

2 “(i) IN GENERAL.—In carrying out  
3 this section, the Secretary shall award  
4 grants to eligible entities to carry out a  
5 project or activity described in clause (ii).

6 “(ii) TYPES.—A project or activity re-  
7 ferred to in clause (i) is a project or activ-  
8 ity that—

9 “(I) is carried out to preserve  
10 private forest land or contain subur-  
11 ban sprawl; and

12 “(II) provides for guaranteed  
13 public access to land on which the  
14 project or activity is carried out, un-  
15 less the appropriate State planning of-  
16 fice requests, and provides justifica-  
17 tion for the request, that that require-  
18 ment be waived.

19 “(B) APPLICATION.—An eligible entity  
20 that seeks to receive a grant under this section  
21 shall submit to the Secretary, in such form as  
22 the Secretary shall prescribe, an application for  
23 the grant (including a description of any private  
24 forest land to be preserved using funds from  
25 the grant).

“(C) APPROVAL OR DISAPPROVAL.—

“(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (B) or a resubmission under subclause (II)(bb), the Secretary shall—

“(I)(aa) approve the application;

and

“(bb) award a grant to the applicant; or

or

“(II)(aa) disapprove the application; and

and

“(bb) provide the applicant a

statement that describes the reasons

why the application was disapproved

(including a deadline by which the applicant may resubmit the application).

“(ii) PRIORITY.—In awarding grants

under this section, the Secretary shall give

priority to applicants that propose to fund

projects and activities that promote, in addition

to the primary purposes of preserving private forest land and containing

suburban sprawl—

1 “(I) the active management, in a  
2 sustainable manner, of private forest  
3 land;

4 “(II) community and school edu-  
5 cation programs and curricula relating  
6 to sustainable forestry; and

7 “(III) community involvement in  
8 determining the care and management  
9 of forest resources.

10 “(3) COST SHARING.—

11 “(A) IN GENERAL.—The Federal share of  
12 the cost of carrying out any project or activity  
13 using funds from a grant awarded under this  
14 section shall not exceed  $\frac{1}{2}$  of the total cost of  
15 the project or activity.

16 “(B) ASSURANCES OF NON-FEDERAL  
17 SHARE.—As a condition of receipt of a grant  
18 under this section, an eligible entity shall pro-  
19 vide to the Secretary such assurances as the  
20 Secretary determines are sufficient to dem-  
21 onstrate that the non-Federal share of the cost  
22 of each project or activity to be funded by the  
23 grant has been secured.

24 “(C) FORM OF NON-FEDERAL SHARE.—  
25 The non-Federal share of the cost of carrying

1 out any project or activity described in subpara-  
 2 graph (A) may be provided in cash or in kind.

3 “(d) USE OF GRANT FUNDS FOR PURCHASES OF  
 4 LAND OR EASEMENTS.—

5 “(1) PURCHASES.—

6 “(A) IN GENERAL.—Except as provided in  
 7 subparagraph (B), funds made available, and  
 8 grants awarded, under this section may be used  
 9 to purchase private forest land or interests in  
 10 private forest land (including conservation ease-  
 11 ments) only from willing sellers at fair market  
 12 value.

13 “(B) SALES AT LESS THAN FAIR MARKET  
 14 VALUE.—A sale of private forest land or an in-  
 15 terest in private forest land at less than fair  
 16 market value shall be permitted only on certifi-  
 17 cation by the landowner that the sale is being  
 18 entered into willingly and without coercion.

19 “(2) TITLE.—Title to private forest land or an  
 20 interest in private forest land purchased under para-  
 21 graph (1) may be held, as determined appropriate by  
 22 the Secretary, by—

23 “(A) a State (including a political subdivi-  
 24 sion of a State); or

25 “(B) a nonprofit organization.



1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this  
3 section—

4               “(1) \$50,000,000 for fiscal year 2003; and

5               “(2) such sums as are necessary for each fiscal  
6       year thereafter.”.

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